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February 13, 2015

**BY ECF**

Honorable Andrew J. Peck  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Alexis Soto v. Felix Ortiz  
14 Civ. 5404 (JPO)(AJP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent Defendant Felix Ortiz in the above-referenced matter. The parties write jointly to respectfully request a thirty (30) day extension of fact discovery from today until March 16, 2015. The parties apologize to the Court for the untimeliness of this request but it is necessitated by the circumstances set forth below.

By way of background, plaintiff brings the instant action alleging false arrest and malicious prosecution from his arrest on July 20, 2011 for criminal sale of a controlled substance to a non-party. The non-party was arrested with plaintiff and was found to be in possession of heroin. Plaintiff spent approximately thirty six (36) hours in custody prior to arraignment. Plaintiff was arraigned and bail was set. Plaintiff claims he remained in custody for a total of six (6) days. Subsequently, the charges against plaintiff were dismissed on February 9, 2012.

For the past month, the parties have been engaged in settlement discussions. Most recently, defendant offered to "split the difference" between the parties' previous offers with the hopes of bridging the settlement gap and reaching an agreement. Our last offer was made to plaintiff's counsel on or about Monday of this week. Although counsel has been in daily contact with each other, upon information and belief, plaintiff's counsel has been unable to reach his client to confirm whether an agreement can be reached.

A thirty day (30) day extension of time will afford the parties the opportunity to continue our settlement discussions and hopefully reach an agreement. In the event that plaintiff rejects defendant's last offer, this extension of time is needed to complete fact discovery, including plaintiff's deposition. This is defendant's first request for an extension of the fact discovery deadline.

Thank you for your consideration herein.

Respectfully submitted,

\_\_\_\_\_/s\_\_\_\_\_  
Ariel Lichterman  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Darius Wadia, Esq. (by ECF)  
*Attorney for Plaintiff*